

Notice of Allowability

Application No.

10/023,977

Examiner

Rodney B. White

Applicant(s)

STEWART ET AL.

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Interview on 08/16/2006.
2. ☒ The allowed claim(s) is/are 1-4, 10-12, 14-15, 1-18, 27-29, 19-22, and 24-26, renumbered 1-21, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard B. Lazarus (#48,215) on August 16, 2006.

The application has been amended as follows:

In the Claims:

1. (Currently Amended) A portable vertebrae decompression support device comprising:
 - a pair of arm rests,
 - at least one base member having a top surface, bottom surface and sides with the bottom surface and sides being ~~substantially~~ devoid of any protrusions such that the base member is adapted to rest on a seat variety of seats,
 - at least one first telescoping tubular support affixed to the base member and to one of the arm rests between a middle and a front end of the arm rest and closer to the front end than to the middle of the arm rest,

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at least one second telescoping tubular support affixed to the base member and one of the arm rests between the middle and a rear end of the arm rest and closer to the rear end than to the middle of the arm rest,

said first and second telescoping tubular supports being adjustable for selectively adjusting the height of the arm rests with respect to the base member to any one of a plurality of preselected positions, and

whereby the arm rests are connected to each other via the first and second supports and the base member.

18. (Currently Amended) A portable vertebrae decompression support device comprising:

a pair of arm rests,

first and second base members each having a top surface, bottom surface and sides with the bottom surface being ~~substantially~~ devoid of any protrusions such that each base member is adapted to rest on a ~~seat~~ variety of seats,

a first support affixed to the first base member and to a first arm rest,

a second support fixed to the second base member and to a second arm rest, the second support being affixed nearer a first end of the second arm rest than to the middle of the second arm rest,

said first and second supports being adjustable for selectively adjusting the height of the arm rests with respect to each respective base member, and

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a first adjustable support adjustably connecting the first and second supports whereby the arm rests are connected to each other via the first adjustable support to vary the distance between the first and second supports and the first and second arm rests, and

a second adjustable support adjustably connecting the first and second supports whereby the arm rests are connected to each other via the adjustable supports to vary the distance between the first and second supports and the first and second arm rests.

The following is an examiner's statement of reasons for allowance: After further consideration, it was determined that either modifying the Warren-Pfaeffle et al reference (U.S. Patent No. 5,820,152) with the Hunter reference (U.S. Patent No. 2,625,987) or vice versa, that there really is no motivation to combine the two patents in either of the two ways, since they are used in different environments, not to mention that modifying either reference with the other destroys the reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

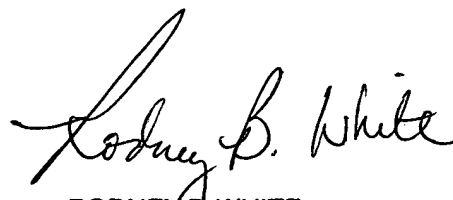
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White,
Patent Examiner
Art Unit 3636
August 17, 2006



RODNEY B. WHITE
PRIMARY EXAMINER